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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/629,320      | 07/31/2000  | ERIC R. SCHORMAN     | PF02024NA           | 4698             |

20280 7590 12/17/2002

MOTOROLA INC  
600 NORTH US HIGHWAY 45  
LIBERTYVILLE, IL 60048-5343

EXAMINER

HOLLOWAY III, EDWIN C

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2635

DATE MAILED: 12/17/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.



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# Office Action Summary

Application No.

09/629,320

Applicant(s)

SCHORMAN ET AL.

Examiner

Edwin C. Holloway, III

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**EXAMINER'S RESPONSE**

1. In response to applicant's amendment filed 9-10-02, all the amendments to the specification and claims have been entered. The examiner has considered the new presentation of claims and applicant's arguments in view of the disclosure and the present state of the prior art. And it is the examiner's opinion that the claims are unpatentable for the reasons set forth in this Office action:

***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-3, 5-12, 14-24 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaPorta (US 5959543) in combination with Nysen (US 5252979) and Richardson (US 5459458).

LaPorta discloses an announcing device or pager and method as claimed ad-hoc multicasting in col. 13, but does not specify ad-hoc network. Nysen discloses an analogous art two way communication system with ad-hoc network in col. 6 line 45 - col. 7 line 3 and it would have been obvious to have included such in LaPorta in order to provide local privacy. Regarding the new limitation of user output device, LaPorta includes a messaging device display, but this display is not part of the database device. Richardson discloses an analogous art pager device with user output device (message display) and database or memory table of member information. See fig. 4 and col. 1 lines 42-67 of Richardson. It would have been obvious to have included in the combination applied above the device with user output display and database as

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disclosed in Richardson because such would reduce data transmission and/or because such would represent an obvious variation in location of parts. Regarding claims 2-3, 11-12 and 24 LaPorta includes queues in fig. 10. Regarding claims 5-7, 14-16 and 21-23 Nysen discloses limitation to near vicinity or proximity and signal strength and number of hops are well known manners to measure proximity or vicinity in the communication art.

4. Claims 4, 13 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaPorta (US 5959543) and Nysen (US 5252979) and Richardson (US 5459458) as applied above and further in view of Will (US 5479408).

5. Will discloses an analogous art two way pager and method including queue with order dependent on urgency. See cols. 18 and 23. It would have been obvious to have included the queue order dependent on urgency of Will in the combination applied above to assure that priority data is transmitted in a timely manner.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection. In response to the argument that the applied references lack a device with user output device, new grounds of rejection have been applied relying on Richardson to discloses a device with database and user output device.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


#### **CONTACT INFORMATION**

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology center 2600 receptionist whose telephone number is **(703) 305-4700**.

Facsimile submissions may be sent via fax number (703) 872-9314 to customer service for entry by technical support staff. Questions regarding fax submissions should be directed to customer service voice line (703) 306-0377.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (703) 305-4818. The examiner can normally be reached on M-F (8:30:-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (703) 305-4704.

EH  
11/30/02

  
**EDWIN C. HOLLOWAY, III**  
**PRIMARY EXAMINER**  
**ART UNIT 2635**